

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNN NOYES,)	
)	2:02-cv-2685-GEB-CMK
Plaintiff,)	
)	
v.)	<u>ORDER ADDRESSING</u>
)	<u>IN LIMINE MOTIONS</u>
KELLY SERVICES, INC.,)	
)	
Defendant.)	
_____)	

Defendant's motions in limine are addressed as follows:

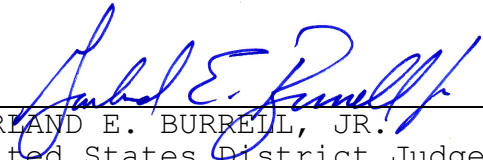
1. Defendant's motion in limine (Docket #95) to exclude the testimony of Plaintiff's expert Rick Ross concerns issues that are involved in a Daubert hearing currently scheduled for March 17, 2008. The Order filed March 5, 2008, scheduling the Daubert hearing makes it unnecessary to decide this motion, except to the extent that it seeks a Daubert hearing which has been granted.
2. Defendant's motion in limine on unspecified immigration evidence (Docket #96) is denied.

- 1 3. Defendant's motion in limine on evidence of other alleged
2 acts of discrimination against Plaintiff (Docket #97) is
3 denied.
- 4 4. Defendant's motion in limine on purported "retaliation
5 evidence" (Docket #98) is denied.
- 6 5. The record on Defendant's "me too" motion in limine (Docket
7 #99) is not concrete enough for a ruling; therefore, the
8 motion is denied.
- 9 6. Defendant's motion in limine to include all evidence of
10 DFEH/EEOC determination letters (Docket #100) is denied.
- 11 7. Defendant's motion in limine to exclude testimony of Jeff
12 Boswell and Steve Wehrmann (Docket #101) is denied.
- 13 8. Defendant's motion in limine to exclude evidence of punitive
14 damages (Docket #102) is denied.
- 15 9. Plaintiff's motion in limine to exclude the letter that
16 advised Plaintiff her allegations could not be sustained
17 (Docket #103) is granted; the motion to exclude Mr. Ross's
18 conviction for conspiracy to commit embezzlement is denied
19 (see advisory committee note to Rule 609 regarding
20 embezzlement constituting admissible evidence under Rule
21 609(a)(2); and, the motion concerning Ross's other
22 sentencing records and psychological counseling records
23 (except a judgment of conviction for conspiracy to embezzle)
24 is granted; motion to exclude reference to civil lawsuit
25 involving \$3,000,000 verdict is denied in light of
26 Defendant's biased proffer. Further, Defendant has not
27 shown any other civil litigation matters have sufficient
28 probative value on an issue to be admitted. Lastly,

1 Plaintiff's motion to exclude personal correspondence from
2 Rick Ross to Pricilla Coates in the 1980's is denied.

3 IT IS SO ORDERED.

4 Dated: March 11, 2008

5
6 
7 GARLAND E. BURRELL, JR.
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28